

(e) *Nonapplicability.* This section does not apply to—

(1) Employees who are serving a trial period under an initial appointment or who has not completed 1 year of current continuous employment under other than a temporary appointment limited to 1 year or less.

(2) A suspension or removal of an employee in the interests of national security.

(3) A reduction in force.

(4) The reduction in grade of a supervisor or manager who has not completed the probationary period.

(5) A reduction in grade or removal for unacceptable performance under part 4.

(6) An action ordered by the GAO Personnel Appeals Board.

#### **§ 7.7 Other appeals and grievances.**

The personnel system shall provide procedures for the processing of complaints and grievances which are not otherwise provided for.

#### **§ 7.8 Services to employees.**

The provisions of chapter 79 of title 5, United States Code, and the Office of Personnel Management implementing regulations apply to General Accounting Office employees.

### **PART 8—INSURANCE AND ANNUITIES**

AUTHORITY: 31 U.S.C. 732.

#### **§ 8.1 Applicable law and regulations.**

The provisions of subpart G, title 5, United States Code and implementing regulations for the Executive Branch covering compensation for work injuries, retirement, unemployment compensation, life insurance, and health insurance apply to General Accounting Office employees.

[45 FR 68380, Oct. 15, 1980, as amended at 47 FR 56979, Dec. 22, 1982]

### **PART 9—SENIOR EXECUTIVE SERVICE**

AUTHORITY: 31 U.S.C. 733.

#### **§ 9.1 GAO Senior Executive Service.**

(a) The Comptroller General may promulgate regulations establishing a General Accounting Office Senior Executive Service which meets the requirements set forth in section 3131 of title 5, United States Code, which provides—

##### **§ 3131 The GAO Senior Executive Service**

The Senior Executive Service shall be administered so as to—

(1) Provide for a compensation system, including salaries, benefits, and incentives, and for other conditions of employment, designed to attract and retain highly competent senior executives;

(2) Ensure that compensation, retention, and tenure are contingent on executive success which is measured on the basis of individual and organizational performance (including such factors as improvements in efficiency, productivity, quality of work or service, cost efficiency, and timeliness of performance and success in meeting equal employment opportunity goals);

(3) Assure that senior executives are accountable and responsible for the effectiveness and productivity of employees under them;

(4) Recognize exceptional accomplishment;

(5) Enable the head of an agency to reassign senior executives to best accomplish the agency's mission;

(6) Provide for severance pay, early retirement, and placement assistance for senior executives who are removed from the Senior Executive Service for nondisciplinary reasons;

(7) Protect senior executives from arbitrary or capricious actions;

(8) Provide for program continuity in the management of GAO programs;

(9) Maintain a merit personnel system free of prohibited personnel practices;

(10) Ensure accountability for honest, economical, and efficient Government;

(11) Ensure compliance with all applicable personnel laws, rules, and regulations, including those related to equal employment opportunity, political activity, and conflicts of interest;

(12) Provide for the initial and continuing systematic development of highly competent senior executives;

(13) Provide for an executive system which is guided by the public interest and free from improper political interference; and

(14) Appoint career executives to fill Senior Executive Service positions to the extent practicable, consistent with the effective and efficient implementation of agency policies and responsibilities.

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## § 11.5

(b) Requirements for positions included in the GAO Senior Executive System. The GAO Senior Executive Service may include—

(1) The 100 positions authorized by 31 U.S.C. 732(c)(4);

(2) The position of the General Counsel authorized by 31 U.S.C. 731(c);

(3) The 5 positions authorized by 31 U.S.C. 731(d); and

(4) The 10 positions authorized by 31 U.S.C. 731(e)(2).

[45 FR 68380, Oct. 15, 1980, as amended at 47 FR 56979, Dec. 22, 1982]

## PART 11—RECOGNITION OF ATTORNEYS AND OTHER REPRESENTATIVES

### Sec.

11.1 Right to representation before the General Accounting Office.

11.2 Practice by attorneys.

11.3 Authority to represent in payment cases.

11.4 Authority to represent in other cases.

11.5 Revocation of authority to represent.

AUTHORITY: 31 U.S.C. 711.

SOURCE: 41 FR 35155, Aug. 20, 1976. Redesignated at 45 FR 68374, Oct. 15, 1980, unless otherwise noted.

### § 11.1 Right to representation before the General Accounting Office.

Each person having a claim or other rights assertable in the General Accounting Office may pursue such claim or right individually or through an attorney or other representative.

### § 11.2 Practice by attorneys.

Any person who is a member in good standing of the bar of the Supreme Court of the United States or of the highest court of any State, territory, or the District of Columbia, and is not under any order of any court suspending, enjoining, restraining, disbarring, or otherwise restricting him in the practice of law, may represent others before the General Accounting Office.

### § 11.3 Authority to represent in payment cases.

In the prosecution of claims involving payments to be made by the United States, a proper power of attorney is required before an attorney or other representative may be recognized. A power of attorney from the principal may also be requested in other cases.

### § 11.4 Authority to represent in other cases.

When an attorney acting in a representative capacity appears in person or signs a document submitted to the General Accounting Office in connection with a matter other than one involving a payment to be made by the United States, his personal appearance or signature shall constitute a representation that he is authorized and qualified to represent the particular party in whose behalf he acts. In the case of representatives other than attorneys, a simple written declaration from the principal will be accepted as evidence of the authority of the representative to act on behalf of the principal.

### § 11.5 Revocation of authority to represent.

Prior to the conclusion of action by the General Accounting Office on a matter in which a principal is represented by another person whose authority to act is established under either § 11.3 or § 11.4, the principal may revoke the authority of his representative. Such revocation is not effective unless it is in writing and signed by the principal and until the written revocation is received by the General Accounting Office. Upon notification of the death of the principal during the pendency of any matter involving representation of the principal by an attorney or other party, the General Accounting Office will consider the representative's authority to have been automatically revoked.